

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

FILED IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO.: 18 CVD 0558

2018 MAY -4 A 11:09

ORANGE COUNTY,

Petitioner/Plaintiff,

v.

DANIEL ISAIH CREW, JR., DANIEL
CREW, SR., & WENDY CREW

Respondents/Defendants.

CONSENT ORDER

THIS CONSENT ORDER (Order) is submitted jointly by the Parties for the approval of and entry by the Court. Petitioner/Plaintiff is represented by Anne Marie Tosco of the Orange County Attorney's Office and the Respondents/Defendants are represented by Robert W. Myrick and Jerry B. Clayton of Clayton, Myrick, McClanahan & Coulter. The Parties submit this Order to resolve the claims asserted in the above entitled matter referred to in the Petitioner/Plaintiff's Petition for Bond, filed with this Court on April 25, 2018. The Parties agree as follows:

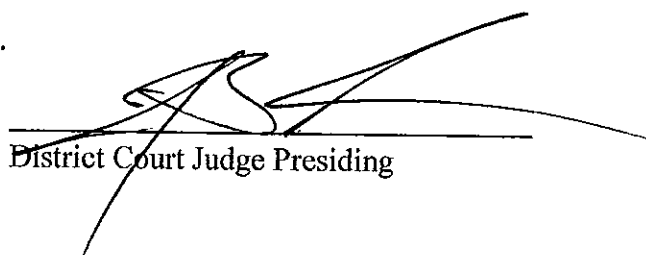
1. On March 2, 2018, Investigators with the Orange County Sheriff's Office executed a search warrant (the "Warrant") at 9316 NC 57, Rougemont, North Carolina 27572 (the "Property"). The Property is owned by Defendants/Respondents Daniel Crew, Sr. and Wendy Crew.
2. On March 2, 2018, pursuant to the Warrant, Orange County Animal Services, a department of Orange County and the operator of the County's animal shelter, took custody and possession of thirty (30) dogs observed on the Property.
3. On April 16, 2018, a Magistrate found probable cause to issue arrest warrants charging Respondent/Defendant Daniel Isiah Crew, Jr., with nineteen (19) counts of Dog Fighting under N.C.G.S. § 14-362.2, one count of Animal Cruelty under N.C.G.S. § 14-360(B), and sixteen (16) counts of Animal Cruelty under N.C.G.S. § 14-360(A). See Orange County File #: 18 CR 050881 through 050893.
4. On April 18, 2018, a Magistrate found probable cause to issue an arrest warrant charging Respondent/Defendant Daniel Crew, Sr., with two counts of Dog Fighting under N.C.G.S. § 14-362.2. See Orange County File #: 18 CR 050916
5. On April 18, 2018, a Magistrate found probable cause to issue an arrest warrant charging Respondent/Defendant Wendy Crew with two counts of Dog Fighting under N.C.G.S. § 14-362.2. See Orange County File # 18 CR 050917

6. On April 25, 2018, pursuant to N.C. Gen. Stat. §19A-70, Petitioner/Plaintiff filed a Petition for Bond seeking the total reasonable expenses, including medical care and boarding costs, for the thirty dogs for thirty days, in the amount of \$19,943.10. A hearing on the Petitioner/Plaintiff's Petition for Bond was calendared by the court for May 11, 2018.
7. On May 3, 2018, Respondents/Defendants, through their undersigned counsel, communicated their desire to forfeit the thirty dogs to Orange County Animal Services.
8. The Parties wish to record Respondents/Defendants' forfeiture of the thirty dogs to Petitioner/Plaintiff.

It is THEREFORE ORDERED:

1. Ownership and title to the thirty (30) dogs seized from the Property on March 2, 2018, is immediately vested with Petitioner/Plaintiff Orange County.
2. Plaintiff/Petitioner Orange County's Petition for Bond filed with this Court on April 25, 2018 is hereby dismissed.
3. This Consent Order does not preclude or waive Orange County's right to seek any legal remedy available, including restitution, against Respondents/Defendants for costs incurred by Petitioner/Plaintiff up until the date of forfeiture.
4. The Court retains jurisdiction over this matter.

So ordered this the 4th day of May, 2018.


District Court Judge Presiding

WE CONSENT TO THE ENTRY OF THIS ORDER:

Orange County, North Carolina

By: Anne Marie Tosco

Anne Marie Tosco

Attorney for Petitioner/Plaintiff BAR # 48118

By: Jerry B Clayton

Print Name: JERRY B CLAYTON

Attorney for Respondent/Defendants BAR # 836


CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served the attached Consent Order upon all parties to this cause by:

- () Hand delivering a copy hereof to the attorney for each said party, or leaving a copy at the office of said attorney with a person in charge thereof.
- (X) Depositing a copy hereof, postage pre-paid, in the United States mail, properly addressed to the attorney for each said party as follows:

Robert W. Myrick & Jerry B. Clayton
Clayton, Myrick, McClanahan & Coulter
100 E. Parrish St #100
Durham, NC 27701

This is the 4th day of May 2018.


Anne Marie Tosco, Staff Attorney
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North Carolina Bar #48118
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For the Petitioner/Plaintiff